

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 22-223 (NEB/DTS)

UNITED STATES OF AMERICA,

Plaintiff,

v.

GOVERNMENT'S TRIAL BRIEF

12. HAMDI HUSSEIN OMAR,

Defendant.

The United States of America, by and through its attorneys, Lisa D. Kirkpatrick, Acting United States Attorney for the District of Minnesota, Joseph H. Thompson, Matthew S. Ebert, Harry M. Jacobs, and Daniel W. Bobier, Assistant United States Attorneys, respectfully submits the following trial brief in this matter.

I. OVERVIEW

On September 13, 2022, a grand jury returned a 61-count indictment charging 14 defendants—Aimee Bock, Abdikerm Eidleh, Salim Said, Abdulkadir Salah, Ahmed Omar-Hashim, Abdi Salah, Abdihakim Ahmed, Ahmed Artan, Abdikadir Mohamud, Abdinasir Abshir, Asad Mohamed Abshir, Hamdi Omar, Ahmed Ghedi, and Abdirahman Ahmed—with a number of crimes, including: conspiracy to commit wire fraud, in violation of 18 U.S.C. §§ 371 and 1343; wire fraud, in violation of 18 U.S.C. § 1343; conspiracy to commit federal programs bribery, in violation of 18 U.S.C. §§ 371 and 666; federal programs bribery, in violation of 18 U.S.C. § 666; conspiracy to commit concealment money laundering, in violation of 18 U.S.C. § 1956(a) and (h); and money laundering, in violation of 18 U.S.C. § 1957.

The defendant in this trial, Hamdi Omar, is charged with four crimes: conspiracy to commit wire fraud, wire, and conspiracy to commit money laundering.

The indictment alleges that Hamdi Omar and her co-conspirators orchestrated and carried out a scheme that defrauded the Federal Child Nutrition Program, a government aid program designed to provide free meals to children in need. Hamdi Omar and her co-conspirators exploited the Covid-19 pandemic to obtain, misappropriate, and launder tens of millions of dollars in program funds that were intended as reimbursements for the cost of serving meals and food to children. In all, the conspirators fraudulently misappropriated more than \$45 million in Federal Child Nutrition Program funds.

II. BACKGROUND

A. The Federal Child Nutrition Program

The Federal Child Nutrition Program is a government program that ensures children receive nutritious meals and snacks that adequately promote healthy physical and education development. The program is run through the Food and Nutrition Service, an agency of the United States Department of Agriculture (“USDA”). That agency administers Federal Child Nutrition Programs, which includes the Summer Food Service Program and Child and Adult Care Food Program (together, the “Federal Child Nutrition Program”).

The Summer Food Service Program (“SFSP”) is a federal program established to ensure that children continue to receive nutritious meals when school is not in session. The Summer Food Service Program reimburses non-profit organizations and other participating entities that serve free healthy meals and snacks to children and

teens in low-income areas. The Child and Adult Care Food Program (“CACFP”) is a federal program that reimburses non-profit organizations and other participating entities that serve healthy meals and snacks to children and adults at participating childcare centers, daycare homes, and after-school programs.

The Federal Child Nutrition Program operates throughout the United States. The USDA’s Food and Nutrition Service administers the programs at the national and regional levels by distributing federal funds to state governments, which provide oversight for the Federal Child Nutrition Program. In Minnesota, the Minnesota Department of Education (“MDE”) administers the Federal Child Nutrition Program.

The Federal Child Nutrition Program operated through sponsors, which oversaw the sites. Sponsors, like Feeding Our Future and Partners In Nutrition, are responsible for monitoring the operation of the programs and submitting reimbursement claims.

Feeding Our Future and Partners In Nutrition were non-profit organizations purportedly in the business of helping community partners participate in the Federal Child Nutrition Program. Both were approved sponsors of the Federal Child Nutrition Program, and prior to the onset of the Covid-19 pandemic, each operated as a small non-profit that sponsored the participation of Minnesota daycares and after school programs in the Federal Child Nutrition Program.

Meals funded by the Federal Child Nutrition Program in Minnesota are served at “sites.” Each site participating in the Federal Child Nutrition Program must be sponsored by an organization authorized to participate in the Federal Child Nutrition

Program. Sponsors are required to submit an application to MDE for each site. Sponsors are responsible for monitoring each of their sites and preparing reimbursement claims for their sites.

Sponsors submit reimbursement claims to MDE on behalf of sites under their sponsorship. The USDA provides federal reimbursement funds to MDE on a per-meal basis. MDE provides the federal funds to the sponsoring agency, which in turn pays the reimbursement funds to the sites under its sponsorship. The sponsoring agency retains ten to fifteen percent of the funds as an administrative fee in exchange for sponsoring the sites, submitting reimbursement claims, and disbursing the federal funds.

In exchange for sponsoring the sites' fraudulent participation in the program, sponsors received Federal Child Nutrition Program funds as administrative fees. In 2020 and 2021, Feeding Our Future and Partners In Nutrition received tens of millions of dollars in Federal Child Nutrition Program funds in administrative fees. Because the amount of administrative fees the sponsors received was based on the amount of federal funds received by sites under its sponsorship, Feeding Our Future and Partners In Nutrition received tens of millions of dollars in administrative fees to which they were not entitled, due to its sponsorship and facilitation of fraudulent sites participating in the program.

B. The Covid-19 Waivers and Fraud

The Covid-19 pandemic, including various stay-at-home orders and distance learning, disrupted the operation of the Federal Child Nutrition Program. As a result,

the USDA issued waivers to the program requirements, allowing additional flexibility for implementing the program and expanding the scope of the program. Following the start of the Covid-19 pandemic and the resulting waivers, Feeding Our Future and Partners In Nutrition sponsored an exponential number of new sites—more than 200 new Federal Child Nutrition Program sites.

Historically, the Federal Child Nutrition Program provided meals to children involved in education-based programs or activities. During the Covid-19 pandemic, the USDA waived several of the standard requirements for participation in the Federal Child Nutrition Program. Among other things, the USDA allowed for-profit restaurants to participate in the program. It also allowed for food distribution to children outside of educational programs. At the same time, the state government's stay-at-home order and telework policies made it more difficult to oversee the program. These changes left the program vulnerable to fraud and abuse.

Beginning in approximately April 2020—with the onset of the Covid-19 pandemic—Feeding Our Future and Partners In Nutrition dramatically increased the number of sites under their sponsorship as well as the amount of Federal Child Nutrition Program funds received by those sites.

Feeding Our Future went from receiving and disbursing approximately \$3.4 million in federal funds to sites under its sponsorship in 2019 to nearly \$200 million in 2021. Partners In Nutrition went from receiving and disbursing approximately \$5.6 million in federal funds to sites under its sponsorship in 2019 to more than \$200

million in 2021. In 2021, sites under the sponsorship of Partners In Nutrition claimed to have served more than 80 million meals to children in Minnesota.

III. SCHEME TO DEFRAUD THE FEDERAL CHILD NUTRITION PROGRAM

A. Feeding Our Future

Co-conspirator Aimee Bock was the founder and executive director of Feeding Our Future, a non-profit organization in the business of helping community partners participate in the Federal Child Nutrition Program and related federal programs. Feeding Our Future was an approved sponsor of the Federal Child Nutrition Program. As a sponsor, Feeding Our Future was responsible for submitting site applications to MDE for approval, monitoring active sites, submitting claims for reimbursement from MDE, and disbursing federal funds to sites under its sponsorship. Feeding Our Future received payment from MDE and kept an administrative fee—typically 10 to 15 percent. Feeding Our Future provided the remaining funds directly to sites.

During the Covid-19 pandemic, Bock and her company recruited individuals and entities to open more than 200 Federal Child Nutrition Program sites throughout the state of Minnesota. The sites fraudulently claimed to be serving meals to thousands of children a day within just days or weeks of being formed and despite having few, if any, staff and little to no experience serving this volume of meals.

The conspirators, including defendant Hamdi Omar, collectively claimed to be serving meals to tens of thousands of children each day throughout the State of Minnesota, for which they fraudulently claimed and received millions of dollars in Federal Child Nutrition Program funds. For example, co-conspirators Salim Said and

Abdulkadir Salah owned and operated Safari Restaurant. In April 2020, during the early days of the Covid-19 pandemic, Safari Restaurant enrolled in the Federal Child Nutrition Program under the sponsorship of Feeding Our Future. In all, the owners of Safari Restaurant claimed to have served more than 3.9 million meals to children between April 2020 and November 2021.

Safari Restaurant also operated as a vendor purporting to deliver food and meals to be served at other Federal Child Nutrition Program sites created by co-conspirators throughout the state of Minnesota. Safari Restaurant claimed to have provided more than 2.2 million meals to other Federal Child Nutrition Program sites involved in the scheme. In all, as part of the scheme to defraud, Safari Restaurant received more than \$16 million in Federal Child Nutrition Program funds in 2020 and 2021. Said and Abdulkadir Salah sent much of this money to their co-conspirators via shell companies created and used to receive and launder the proceeds of the fraudulent scheme.

Co-conspirator Salim Said operated another site under the sponsorship of Feeding Our Future. Said was one of the creators of ASA Limited LLC in September 2020. Said, along with two partners (co-conspirators Abdihakim Ahmed and Ahmed Ghedi), was an equal one-third owner in the company. ASA Limited opened a federal child nutrition program site in St. Paul, Minnesota, under the sponsorship of Feeding Our Future at the Gurey Deli, a small market located in a strip mall in St. Paul. Within just three weeks of creating the ASA Limited site, the co-conspirators fraudulently claimed to be serving meals to 2,000 or 3,000 children

each day, seven days a week. Defendant Hamdi Omar was the owner of the Gurey Deli (where her co-conspirators had the fraudulent ASA Limited food site):

Office of the Minnesota Secretary of State
Minnesota Business Corporation | Articles of Incorporation
Minnesota Statutes, Chapter 302A

Read the instructions before completing this form.

Filing Fee: \$155 for expedited service in-person and online filings, \$135 if submitted by mail

Note: A professional firm governed under Chapter 319B must include an attachment with the following information:
 (This information is only required if this is a professional firm.)

1. Statement that the Minnesota firm elects to operate and acknowledges that it is subject to *Minnesota Statutes, Chapter 319B.01 to 319B.12.*
2. List the professional service the corporation is authorized to provide under *Minnesota Statutes, Chap. 319B, subd 19.*

The undersigned incorporator(s), in order to form a Minnesota Business Corporation under *Minnesota Statutes, Chapter 302A* adopt the following:

Article I – Name of Corporation (Required)
Gurey Deli Inc
(The company name must include a corporate or professional designation in their name.)

Article II – Registered Office and Agent (A Registered Office Address is Required)
281 South McKnight Rd St Paul MN SS119
Street Address (A PO Box by itself is not acceptable) City State Zip Code

The Registered Agent at the above address is: _____

Article III – Shares
 The corporation is authorized to issue _____ total number of shares.
(Must authorize at least one share)

Article IV – Incorporators (Required)
 I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

Hamdi Omar 4554 Woodwick Pl Woodbury MN SS125
Incorporator's Name Street Address City State Zip Code

[Signature] 11/9/17
Date

B. Stigma-Free Waite Park: Defendant Hamdi Omar's Fraudulent Site

By October 2020, MDE became concerned about the drastic increase in meal claims by sites under the sponsorship of Feeding Our Future. In response to MDE's well-founded concerns, Bock tried to cover up the fraud by diverting attention away from Feeding Our Future and the scheme by blaming MDE when it attempted to perform legitimate oversight. MDE regularly raised questions about the number of sites and amount of meal claims being submitted by Feeding Our Future on behalf of sites under its sponsorship. Bock knew that MDE's concerns were valid, and that little of the Federal Child Nutrition Program funds disbursed by Feeding Our Future

were used to feed children. Bock also knew that if MDE discovered the true nature of the fraud, the flow of federal funds to Feeding Our Future and sites under its sponsorship would stop.

Due to these concerns, MDE announced that the Federal Child Nutrition Program no longer allowed restaurants and other for-profit companies to enroll as sites. MDE explained that restaurants would only be allowed to participate as meal vendors providing food. MDE further announced that any restaurants enrolled as distribution sites would be closed as of October 31, 2020.

Shortly after MDE disallowed for-profit restaurants, some of defendant Hamdi Omar's conspirators, including Ahmed Artan, obtained a non-profit entity, Stigma-Free International, for use in carrying out the fraud. They immediately used their new non-profit to open a number of new Federal Child Nutrition Program sites. Other co-conspirators created additional shell companies to serve as for-profit meal vendor companies purporting to provide the meals to be served to children at these sites. Together, the defendants claimed to be serving meals to tens of thousands of children each day throughout the state of Minnesota, for which they fraudulently claimed and received millions of dollars in Federal Child Nutrition Program funds.

Defendant Hamdi Omar opened up one of those sites, Stigma-Free Waite Park. This site, which claimed to serve 2,000 children a day, seven days a week, operated out of the Green Market, a small market and grocery store located in a strip mall in Waite Park, Minnesota.

 FEEDING OUR FUTURE									
AFTERSCHOOL MEAL COUNTS – CLICKER									
Sponsor	FEEDING OUR FUTURE	Email	aimee@feedingourfuturemn.org			Phone	612.345.4922		
Site	STIGMA FREE -WAITE PARK	Supervisor	HAMDI OMAR			Week of	09/19/2021		
Meal Type	SNACK		SUPPER						
Available Meals		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	TOTAL
Number of meals received/prepared		2057	2057	2057	2057	2057	2057	2057	
Number of meals from yesterday		0	0	0	0	0	0	0	
Meal Counts		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	TOTAL
Number of firsts served to children		2057	2057	2057	2057	2057	2057	2057	
Number of second meals served to children (not reimbursed)		0	0	0	0	0	0	0	
Number of meals served to program adults (not reimbursed)		0	0	0	0	0	0	0	
Number of meals served to non-program adults (not reimbursed)		0	0	0	0	0	0	0	
Number of children requesting meals of food is gone		0	0	0	0	0	0	0	
Food		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	TOTAL
FOOD TEMPERATURE		-	-	-	-	-	-	-	
Number of non-reimbursable, incomplete or damaged meals		0	0	0	0	0	0	0	
Number of leftover meals		0	0	0	0	0	0	0	
Initials of person taking daily meal count certifying that the information is true and accurate		HO	HO	HO	HO	HO	HO	HO	
Signature		HAMDI OMAR				Date	09/25/2021		

Hamdi Omar signed and submitted many of the fraudulent meal counts for the Stigma Free Waite Park site.

From: hamdi omar <feedingouryouth@gmail.com>
To: Stigmapreemn1@gmail.com, Salimsaid4040@gmail.com
Subject: oct
Date: Wed, 03 Nov 2021 19:16:04 -0500
Attachments: waite_park_catering_invoice_OCTOBER_(2)_(1).pdf; waite_park_meal_count_Oct.pdf; Stigmapreemn1_Waite_Park_Oct_Attendance.pdf

 FEEDING OUR FUTURE								
AFTERSCHOOL MEAL COUNTS – CLICKER								
Sponsor	FEEDING OUR FUTURE	Email	aimee@feedingourfuturemn.org			Phone	612.345.4922	
Site	STIGMA FREE - WAITE PARK	Supervisor	Hannah Omar			Week of	10/3/21	
Meal Type	SNACK		SUPPER					
Available Meals		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Number of meals received/prepared		2158	2158	2158	2158	2158	2158	2158
Number of meals from yesterday		0	0	0	0	0	0	0
Meal Counts		Friday	Saturday	Friday	Saturday	Friday	Friday	Saturday
Number of firsts served to children		2158	2158	2158	2158	2158	2158	2158
Number of second meals served to children (not reimbursed)		0	0	0	0	0	0	0
Number of meals served to program adults (not reimbursed)		0	0	0	0	0	0	0
Number of meals served to non-program adults (not reimbursed)		0	0	0	0	0	0	0
Number of children requesting meals of food is gone		0	0	0	0	0	0	0
Food		Friday	Saturday	Friday	Saturday	Friday	Friday	Saturday
FOOD TEMPERATURE		-	-	-	-	-	-	-
Number of non-reimbursable, incomplete or damaged meals		0	0	0	0	0	0	0
Number of leftover meals		0	0	0	0	0	0	0
Initials of person taking daily meal count certifying that the information is true and accurate		HO	HO	HO	HO	HO	HO	HO
Signature		SITE SUPERVISOR: By signing, I certify that the above information is true and accurate.						Date
								10/9/21

The conspirators created a company called Feeding Our Youth that purported to serve as a meal vendor for the site. Between April and November 2021, Omar and her co-conspirators claimed to have served more than 500,000 meals at the Stigma-Free Waite Park site. Based on these claims, the co-conspirators received more than \$1 million in Federal Child Nutrition Program reimbursements.

1. Fake Meal Counts and Rosters

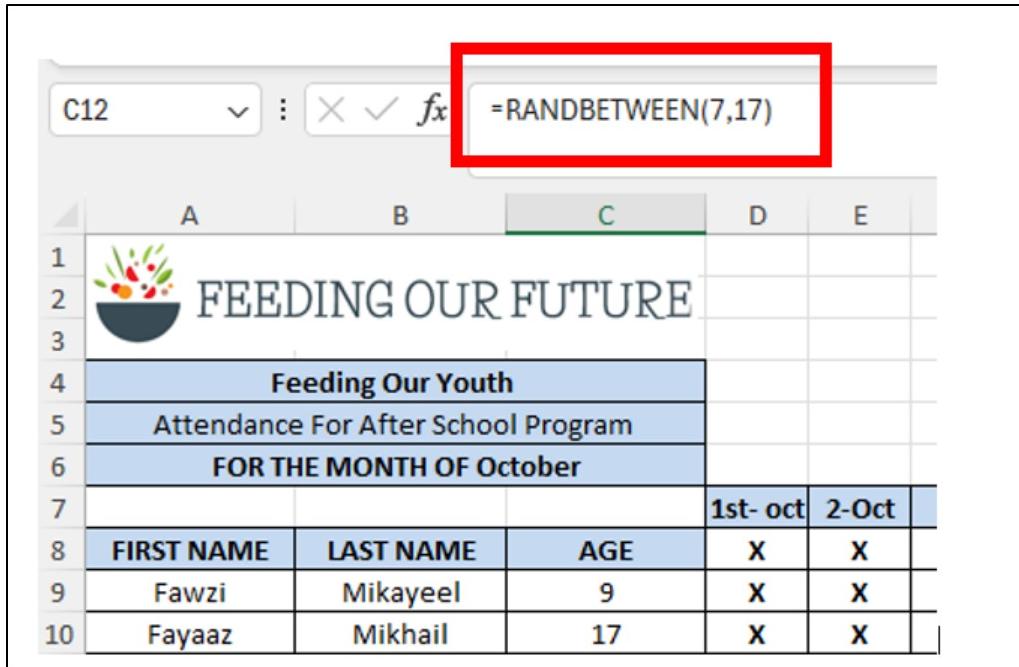
The trial evidence will reveal that Omar and her conspirators created and submitted sham meal count sheets and phony attendance rosters purporting to list the names of children who received meals at their sites. But these lists did not contain the names of real children. Indeed, school district personnel will testify that the vast

majority of the falsified names on these rosters appear nowhere in the official school district enrollment records of multiple school districts where the defendants professed to serve millions of meals. Some of the roster spreadsheets that Omar sent even contained an imbedded formula that inserted a random number between 7 and 17 in the age column of the spreadsheet.

From: hamdi omar <feedingouryouth@gmail.com>
To: Tfsauditors@gmail.com
Subject: Fwd: OCT
Date: Tue, 02 Nov 2021 14:35:14 -0500
Attachments: AFTERSCHOOL_MEALCOUNT.docx10-23-21.docx;
AFTERSCHOOL_MEALCOUNT.docx10-9-21.docx;
AFTERSCHOOL_MEALCOUNT.docx10-16-21.docx;
AFTERSCHOOL_MEALCOUNT.docx10-2-21.docx;
AFTERSCHOOL_MEALCOUNT.docx10-30-21.docx; feeding_our_youth_attendance_a.xls

----- Forwarded message -----

From: **hamdi omar** <feedingouryouth@gmail.com>
Date: Tuesday, November 2, 2021
Subject: OCT
To: hamdi omar <feedingouryouth@gmail.com>



The screenshot shows a Microsoft Excel spreadsheet. At the top, the formula bar displays "C12" and the formula "=RANDBETWEEN(7,17)". A red box highlights this formula. Below the formula bar is a ribbon with tabs A, B, C, D, and E. The main content area has rows numbered 1 through 10. Row 1 contains a logo of a bowl filled with fruit and the text "FEEDING OUR FUTURE". Row 2 continues the logo. Row 3 is blank. Row 4 contains the text "Feeding Our Youth". Row 5 contains "Attendance For After School Program". Row 6 contains "FOR THE MONTH OF October". Row 7 is blank. Row 8 contains the header row for data: "FIRST NAME", "LAST NAME", "AGE", "1st- oct", and "2-Oct". Row 9 contains the data for the first row: "Fawzi", "Mikayeel", "9", "X", and "X". Row 10 contains the data for the second row: "Fayaaz", "Mikhail", "17", "X", and "X".

	A	B	C	D	E
1					
2					
3					
4			Feeding Our Youth		
5			Attendance For After School Program		
6			FOR THE MONTH OF October		
7				1st- oct	2-Oct
8	FIRST NAME	LAST NAME	AGE	X	X
9	Fawzi	Mikayeel	9	X	X
10	Fayaaz	Mikhail	17	X	X

In support of their fraudulent claims, Omar and her co-conspirators also created and submitted fraudulent invoices purporting to show their purchase of food to feed children.

C. The Money Laundering

In all, the defendants received more than \$47 million in Federal Child Nutrition Program funds between April 2020 through January 2022. These federal funds were received by the defendants' companies from Feeding Our Future.

Omar and her co-conspirators created and used an array of entities and shell companies to receive, launder, and distribute their fraudulent proceeds. Some of these companies purported to be meal vendors providing meals and food to program sites, but in reality, the companies were shells created to disguise the source and ownership of the fraud proceeds. The defendants transferred millions of dollars between their shell companies to conceal the source of the funds, and then used the

shell companies to purchase millions of dollars' worth of real estate, cars, and fund their lifestyles and personal spending.

1. The “Vendor” Companies

Omar and her co-conspirators used “vendor” companies—ostensibly in the business of providing food for distribution—to launder their fraudulent proceeds. In reality, the vendor companies provided only a fraction of the food that their sites claimed to be serving and acted a source to conceal the source of the fraud proceeds.

As the financial records will establish, Stigma-Free and its various related entities, in turn, paid the bulk of these funds over to the vendor companies, purportedly to pay for food distribution at its various sites. Instead, the defendants used the vendor companies to receive and launder the Federal Child Nutrition Program funds while concealing the money as payments for the purchase of food.

Defendant Hamdi Omar created a company called Feeding Our Youth LLC, ostensibly to run the Stigma-Free Waite Park site. Feeding Our Youth purported to be a food vendor company that provided food and meals to be served at the Stigma-Free Waite Park site. In reality, she used Feeding Our Youth as a shell company designed to obtain and launder fraud proceeds. In all, she deposited more than \$1 million in Federal Child Nutrition Program funds into Feeding Our Youth bank accounts.

2. The Shell Companies

The defendants also created and used an array of other companies to conceal and launder their fraud proceeds. For her part, in September 2020, defendant Hamdi

Omar registered Omar Management Corporation, which she used as a shell company to receive and launder her cut of the fraud proceeds.

IV. POTENTIAL LEGAL AND EVIDENTIARY ISSUES

A. Summary Testimony and Charts

The United States intends to call law enforcement agents to testify as summary witnesses in its case-in-chief. “The testimony of a summary witness may be received so long as she bases her summary on evidence received in the case and is available for cross-examination.” *United States v. Ellefsen*, 655 F.3d 769, 780 (8th Cir. 2011) (quoting *United States v. King*, 616 F.2d 1034, 1041 (8th Cir. 1980)).

In addition, because this case involves voluminous documentary evidence, including bank records and other financial documents, the government intends to offer summary charts into evidence in order to assist the jury. Summary charts are properly admitted when (1) the charts fairly summarize voluminous trial evidence, (2) they assist the jury in understanding testimony already introduced, and (3) the witness who prepared the charts is subject to cross-examination with all documents used to prepare the summary. *United States v. Spires*, 628 F.3d 1049, 1052-53 (8th Cir. 2011) (citing Fed. R. Evid. 1006). “Also, summaries may include assumptions and conclusions so long as they are ‘based upon evidence in the record.’” *Id.* at 1053.

B. Stipulations and Self-Authentication Pursuant to Federal Rule of Evidence 902

The parties have discussed foundational stipulations with respect to certain business records that will obviate the need to call custodians of records as witnesses at trial. While the parties are still working through the details of these stipulations,

the government is hopeful that the parties will be able to put this stipulation on the record at the pretrial conference.

With respect to any business records for which the defendants are unwilling to stipulate with respect to foundation, the government has and will be providing notice to defense counsel of its intent to offer these business records pursuant to the self-authentication provisions of Federal Rules of Evidence 803(6) and 902(11). The records have and will be identified with particularity to the defense in the government's Federal Rule of Evidence 902 notices, and they have all previously been provided to the defense in the government's Rule 16 disclosures. Certifications for these records have also been made available for the defendant's review. The government will also seek to admit certain public records pursuant to the self-authentication provisions of Federal Rules of Evidence 803(8) and 902(1), (2), and (4).

Dated: March 31, 2025

Respectfully Submitted,

LISA D. KIRKPATRICK
Acting United States Attorney

BY: */s/ Joseph H. Thompson*
JOSEPH H. THOMPSON
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